

12321

THE
SVVORD-BEARER,
OR,
MAGISTRATES
CHARGE.

Sermon preached in the Chappell
of GUILD-HALL, at the Election of
the LORD MAIOR.

By
MATHIAS MILWARD, Bachelor
of Divinitie, Minister of Saint
HELLENS.

AUG. To. 8. Pl. 84.

*Iustitia & pax due amice sunt, simul osculantur; tu forte
unam vis, alteram non facis.*

LONDON
Printed by John Norton for SAMUEL MAN,
dwelling at the Swan in Saint Pauls
Church-yard. 16

THE
SVOORD-BEARER

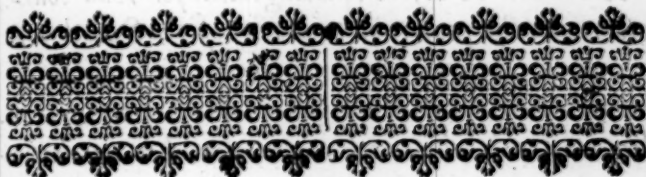
OR

MAGISTRATES

CHARGE



MINISTER OF THE INTERIOR
Division of the Ministry of the Interior



TO THE
RIGHT HONORABLE
SIR HENRY GARWAY KNIGHT,
LORD MAJOR OF THE HO-
NORABLE CITE OF
LONDON.

RIGHT HONORABLE:

His Sermon of right belongeth to
you, being by your appointment
Preacht; as therefore rivers
runne to the sea from whence they
flow; so this returnes to your Ho-
nour from whence it sprang. Be-
sides, It is yours (my Lord) by a due debt for many fa-
vours received, for which, having no other way to ex-
presse my thankfulnessse, I commend this poore service of

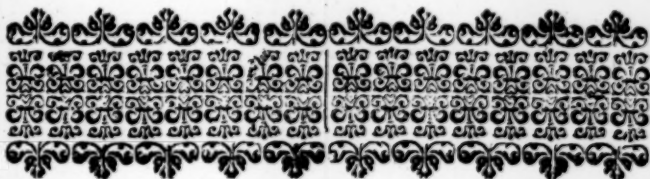
The Epistle Dedicatorie.

a verball but hearty acknowledgement for reall courtesies. Lastly, your wise wielding of the Sword you have borne, having drawne the hearts and voyces of the best towards you, hath also induced mee to this Dedication; wherein as others may see what you have been, so your worthy Successour may see what he should be; It was once mine, it is now yours, and so is

MY LORD,

Your Honours most obliged,

Mathias Milward.



THE
SWORD-BEARER
OR MAGISTRATES
CHARGE.

ROM. 13. 4.

For he beareth not the Sword in vaine.



He Apostle here setteth downe a Rule for two sorts of men, the Magistrate, and People; teaching the one how to governe, the other how to obey. Now, the Magistrate must be the subject of my discourse at this time; In whom two things are considerable. 1. *Honor*, his Honour. 2. *Onus*, his Charge; his Dignity, and his Dutie. *He beareth the Sword*, there's his honour: the *Sword* is a type of his authority: *not in vaine*, that points at his office, not onely for pomp, or state, but for use, for execution of justice. In handling whereof, I would not be thought presumptuous, as if like old dotting *Phormio*, I would teach *Hannibal*; for I professe myself.

selfe *exiſtimator*, non *magiſtrum*, an Advifer only, no peremptory teacher; Neither let the name of *Sword* in theſe buiſie times be prejudicious to what I ſhall ſay, and think not my Sermon the ſharper for that; for I ſhall handle it ſo tenderly, as neither to provoke any enemies, nor to offend any friends, nor to hurt my ſelfe.

Fiſt therefore the Honor of a Magiſtrate ſtands in two things. 1. His Ordinance. 2. His Preheminence.

I

His Ordinance is of God; *The powers that be, are ordained of God*, ſaith the Apoſtle; *Submit your ſelves* (ſaith Saint Peter) *to every ordinance of man, for the Lords ſake, whether it be to the King as ſupreame, or unto Governours, as unto them that are ſent by him.* 1 Peter 2. 13. Saint Peter calls them an humane ordinance, not in regard of the fiſt institution of it, but for uſe. 1. *ſubjectivè*, becauſe it is executed by man. 2. *objectivè*, becauſe humane affaires are the object of it. 3. *relativè*, in reſpect of the end, becauſe ordained for mans good: yet the Originall is from God. For as in the Creation of the world there was a ſpirit that formed; ſo in the conſervation thereof, the ſame ſpirit reformeth to this day, and that's done by Ruling. Man being by nature a ſociable creature, take away Rule and Power, you undoe mans nature; and though ſinne brought into the world ſervitude and ſlavery, *Gen. 9. 25. Cursed be Canaan, a ſervant of ſervants ſhall hee be:* yet God himſelfe ordain'd power and order; there's order among the bleſſed Angels, if not *ex præcepto* yet *ex conſilio*: and in every man God hath imprinted a double jurisdiction: one of the ſoule over the body, that's *divine* the command of a Maſter: another of the reaſon over the appetite,

petite: and that's *Rambold*, the power of a Sovereigne. God in the beginning gave unto man a three-fold power; First, over himselfe, by free-will to govern his actions; for God set man at first *non in Tuo sed in caso*, saith *S. Bern.* not in such security that he could not fall, nor in such necessity that he could not chuse but fall; but left him to the liberty of his owne will, not to fall if hee would not offend, nor to offend unlesse hee would himselfe. God gave him *posse non peccare*, but not *non posse peccare*; that is, it was possible for him not to sinne, but it was not impossible for him to sinne. The second power was over the creatures; for to mans *multiplicamini* God added *dominamini*. *Let him have dominion over the fish of the sea, and the fowles of the ayre.* *Genesis* 1. 26. The third power was over man; which is either Oeconomical in families, of the husband over the wife, father over his children, master over servants; or Politicall in Citties *viz.* Monarchicall of one, Aristocraticall of many & those the best; or Democraticall which is the popular state; All were ordain'd of God either mediately, or immediatly. *There is no power but of God*, saith the Apostle; *Non dicit, potestas est a deo, sed non est potestas nisi a deo*, saith *Musculus*; yea that of the devill, whose will though it be ever wicked, yet his power by Gods permission is never unjust; hee is called therefore *The evill spirit from the Lord.* *1 Sam.* 16. 23. An evill spirit, saith *S. Gregory*, *Per desiderium voluntatis iniquae*, but yet from the Lord, *per licentiam potestatis iustae*. Sometime perhaps, *Potens* the Ruler is not of God, *Osee* 8. 4. *They have reigned, and not by mee.* Or the manner of getting Rule is not of God; for many runne *ad Cathedram, non ad Curam*, to the chaire, not to the cure; and *Simon Magus*

will give any thing to be *Simon Magnus*; but the power it selfe is of God. The blessed Virgin *Mary* in her song saith, *deposuit potentes*, Hec hath put downe the mighty from their seat; not *potestatem*, power simply, but their power, from doing further mischief. The Elders gave glory *sedenti super thronum*, *Revel. 4.* and cast their crownes at his feet; for *ego sum qui transfero regna*, saith God in *Daniel*. All earthly power is but translated, & God is the Originall. He that said, *Per me reges regnant*, By me Kings reigne, said also, *et domini dominantur*, and Lords rule: It is the Lord that putteth the Sword into your hand. *For he beareth the Sword.*

2

The second point is their Preeminence. Every where the Scripture stiles them honourable. The King of Tyre is called the *anoynted Cherub*, whom God set in honour, *Ezek. 28. 14.* *Deborah* a Mother in Israel, *Judg. 5. 7.* They cryed before *Ioseph Abrech*, Bow the knee, Or tender Father, *Gen. 45.* For as *Xenophon* saith, *ὁ ἀγαθὸς ἀρχὴν ἀγαθὸς ἀγαθὸς παῖς*, a good Ruler differs not from a good father. They be called Heads, *Numb. 1. 16.* for three causes. 1. For their eminence above the rest. 2. For command, because the head governes all the body; yea many times when the body is at rest, the head is most disquieted. 3. For necessary use, because from thence flowes sense and motion into all the members of the body. And all these titles, what are they, but obligations of greatest duties, and of greater necessity to depend upon God, both for advice in wisdom and assistance in power? But that which transcends all, is, *I said yee are Gods*; which is to be understood onely representatively, because God hath given them power to speake to the people in his name, and execute his judgments.

ments. *I have made thee Pharaohs God*, said God to *Moses, Exod. 7. 1.* And these attributes of honour instruct them how to governe, and others how to reverence them. Them how to governe, to rule for God, reward for God, punish for God; remembring alwaies though they are gods of the earth, yet they are but earthen gods; In their greatest glory they are but *virius in infirmitate*; and although by their birth or fortune they be sifted from the branne of the vulgar, yet they are but *ejusdem farinae*, of the same meale. Their heads of gold, and breasts of silver, &c. stand but upon feet of clay; the splendour of their renowne, the glory of their riches, and strength of their greatnesse hath but a dusty foundation; *pulvis es, et in pulverem reverteris*. Again, it teacheth others how to reverence them. *They that rule well, are worthy of double honour*, 1 Tim. 5. 17. Single honour howsoever, because of Rule, which is Gods ordinance; but *double honour*, if he be a good Magistrate, because of his diligence. *ἀποδοτε τιμὴν. ἰ. ποσῶς*, saith Saint *Chrysostome*, very much honour; or *double*, saith *Aquine*, *reverentia & subsidij*, reverence and maintenance, allegiance and allowance. So tender is God for preservation of their dignities, that hee gave his people charge, *Elohim lo thikkallel, Thou shalt not raile upon the gods, nor curse the Ruler of thy people*, Exod. 22. 28. And by an ancient Canon, a severe Censure was imposed upon him that was *contumeliosus in magistratum*; if a lay man, to excommunicate him; if in orders, to depose him; their persons should be *ἀσάλα*, inviolable, for they are sacred, like an *Asylum*, a Sanctuary or consecrated Temple, which for the veneration of Religion might not be violated. For this cause *David* would not lay hands

upon *Saul* when occasion gave him power over his life; for though hee was wicked, yet hee was the Lords anoynted; he had *sanctitatem unctionis*, though not *vita*; an holy calling, though not an holy carriage. *S. Jude* sets it downe for a note of reprobate men, *to despise dominion, and speake evill of dignities*. Yet such a pernicious brood there is in the world, that bend their tongues like a bow against authority, and shoot out their arrowes, even bitter words. What learned Prælate hath not this Blatant beast bitten? what Reverend Judge hath not this serpent stung? What honest man hath not been bespattered with this filthy vomit? yea, Christ himselfe was not free from the aspersions of unrighteous speakers, who called him a friend of Publicans and sinners, and ascribed their miracles to the power of Belzebub. But let them goe; and *good luck have you with your honour; ride on because of the word of truth*; remember it is that which gives you honour, and it stands with your honour to maintaine that. For you beare the *sword*; And so I take myleave of your honour, and come next to your charge; for as I have shewed them how great they are, so I must needs tell them how good they should be.

2 Their charge standeth in the use of the *sword*, whereunto three things are required: 1. Good lawes, they are like the sword in the scabbard. 2. Upright judgement according to those lawes, that's like a sword drawne. 3. Just execution, that strikes the stroke.

1 To the making of good lawes three things are required. 1. The matter, which must be agreeable to the law of nature and will of God. 2. The end, to maintaine vertue, and suppress vice. 3. Their extent, not for private

vate gaine, but for publick good. And when lawes are made, there's no exemption of any person from their obedience and subjection. *Let every soule be subject to the higher powers*, saith the Apostle. *Omnis anima*; *anima propter voluntatem, omnis propter universalitatem*; the soule, because obedience ought to be voluntary; every soule because it must universall. To say therefore the Clergie is exempted, because it is not said *Omnis spiritus*, but *omnis anima*, that is, *animalis homo* the laity, not *spiritualis homo* the Clergie, is *viperina glossa*, and eates out the bowels of the text. For the soule is taken for the whole man; every soule, that is, every man; there were eight soules in Noahs Ark, that is, eight persons, 1 *Pet.* 3.20. But I grant you saith *Bellarmino*: they are subject *obligatione directiva, non coactiva*, by obligation of direction, not coercion, which is as much as to say as farre as they list themselves. Is this subjection, or rather is it not a cunning evasion? that's no law that hath onely reference to their discretion for whom it is enacted; that very reference loseth the reverence and authority of it. Justice and right in giving every one his due, should have the same place in the common-wealth, which faith and religion claymeth in the Church. Now, as in religion there are some things in substance, and some things of ceremony; so there are some points essentiall in justice, and some accidentall; the essentiall points of justice are the same in lawes of all common-wealths; for what is a law but a divine ordinance, commanding things honest, and forbidding the contrary? The accidentall parts doe and may vary according to the circumstances of times, persons, and places. For as good remedies are occasioned
from

from bad diseases, so *ex malis moribus bona leges oriuntur*. There was in ancient times no law against a Parricide, whereof *Solon* being ask'd the reason, answered, Hee thought no man so unnaturall as to commit that sinne; but when the wickednesse of the times had produc'd such monstrous Imps that did kill their owne fathers, then a law was provided, and a punishment set downe; for the Party so offending, was to be sowed in a leathern sack, with a Dogge, a Cock, a Viper, and an Ape, foure angry creatures, and so cast into some deepe water, as unworthy to reape the benefit of any of the foure elements; the reason whereof is given to be this, *Ut qui cum necasset unde ipse natus esset, careret rebus omnibus unde omnia nascuntur*, That he which kill'd him of whom he was borne, should be deprived of those things whereof all things are bred. In the time of Innocencie God gave man a law; One tree he must not eate of. It was not envie as the devill would perswade, but a type of *Adams* obedience, as if God should tell him, saith Saint *Austin*: If *Adam* would know the reason, *Quia ego dominus, tu servus; obediens te volo, non contradicens*, I am thy Lord, thou my servant; I will have thee obedient, not repugnant. Much more now are lawes necessarie, yea new lawes according to occasion, either for prevention to stop a mischief ensuing, or for subvention to remedy evils past. They are like waters that receive their tincture and tastes from the soyles through which they runne, and so change according to the regions and governments where they are planted; yet they proceed from the same fountaine of justice; They ought not by multitude of constitutions to be snares to good minds, nor by the quirks of mercenarie wits to be perverted to bad

bad purposes ; Lawes should command, not dispute. The people of *Agina* did impose a pecuniarie mulct upon him that had occasioned a new Law. Amongst the Athenians there was but one new Law made for an hundred yeares, and that was procured by one that was *monoculus*, and the Law was this, That hee should lose both his eyes, who had put out his that had but one. For our part (God be thanked) wee have good Lawes, no Kingdome better ; and whether there be any need of more, that must be left to the wisdom of the Estates. If I have herein exceeded my bounds, I cry pardon of the Lawyers ; I am sure the lesse wee have to doe with their Law, the better men will like of our Divinity. Only with old father *Latimer*, I hope it is no harme to wish one Law more to be made, which might be like that of the Medes and Persians unalterable, namely for execution of those Lawes that are to be made: For Lawes only made and not executed, are like the Sword in the scabbard. I come therefore to the second point, which is, the Sword drawne, and that's upright judgement.

To cleare this passage, foure obstacles must be removed, Feare, Covetousnesse, Hatred, and Favour ; Feare dares not draw the Sword, Covetousnesse will not, Hatred must not, and Favour may not : of each of these some thing.

Feare was *Pilates* fault ; hee sought many meanes to deliver Jesus, but feare of *Casars* displeasure hindered him : If thou let this man goe, thou art not *Casars* friend, said the Jewes ; then he condemned Christ, *Iohn 19. 12*. If he had said, *Vivat Rex, & currat Lex*, God blesse *Cesar*, and let the Law have his course, he had beene a good Judge.

The Sword-bearer

There is a Signe in Heaven called *Virgo*, betwixt *Leo* and *Libra*; *Pierius* in his Hieroglyphicks compares Justice to this Signe: for Justice is a pure intemperate Virgin, never corrupted by those too shamelesse Sollicitors, *Nimium & Parum*, Excesse and Defect: shee hath *Leo* on the one side, because a just man is bold as a Lion, *Prov. 26. 1.* and *Libra*, a paire of Ballances, on the other side, weighing out to every man his right; which he cannot doe equally, if he feare any mans displeasure. He must remember Gods encouragement to *Josua*, *Be valiant and of a good courage*. Feare is forbidden by our Saviour Christ, *Mat. 10. Feare not them that can kill the Body*. A three-fold reason is there given; first, in regard of mans impotence, for his power reacheth no further than the Body, which is but the Bellowes of the Soule, through which she breathes, *Anaxarchi follem tundis, non Anaxarchum*, said he, when he was maul'd to death. Secondly, in regard of Gods providence, which extendeth it selfe to the lives of unreasonable creatures, without which a Sparrow falls not upon the ground. If the life of a Sparrow be governed by Divine Providence, the price whereof is not a farthing; shall not the life of the Just much more, the price whereof is the blood of Christ? Thirdly, whatsoever becomes of our Bodies, not an haire shall be missing at the Resurrection: *The baires of your head are numbred*, saith Christ. *Non est timendum de majoribus ubi est cura de minimis; si sic custodimur superflua tua, in quanta securitate est anima tua?* If God care for our superfluities, much more for our necessities, the Soule especially. *Feare not therefore*, saith our Saviour Christ. The Magistrate that beares the Sword, must be magnanimous. Certainly, God hath set such an impression of

of Majestie in the face of lawfull Authoritie, thar wickednesse is confounded in it selfe to behold it: For, if from hence the Power that is visible, were not more feared than the invisible God, the world would be over-run with outrage. Therefore a good Magistrate, like a wise Physician, feares not to let out the corrupt blood of Malefactors, to save the life of the State; for the Body of the Common-wealth cannot live, unlesse her bad Members bleed: This requireth fortitude, and Feare dares not draw the Sword.

The second impediment, is Covetousnesse, and that will not draw the Sword. The Prophet *Osee* complaineth, *Their Rulers love to say with shame, Bring yee, Os. 4. 18.* It was the fault of *Samuels* sonnes, they did not walke in their fathers wayes: Why so? *Dilexerunt munera*, they loved Gifts, nay, Bribes, that was the right name: What followed? *Perverterunt judicium*, *1 Sam. 8. 3.* Then God tooke away the Government, the people chose *Saul* King, and those bribing Judges were cast off. *Aristophanes* jeasting upon *Cleon*, as *Plutarch* hath it, saith, *ὅτι οὗτος ἄνθρωπος ἵνα μὴ ἀδικήσῃ, μὴνερὶβὺς κορρὺμπε*, This man can skill of no straine but the *Dorick*; alluding to *ἀδικήσῃ, μὴνερὶβὺς κορρὺμπε*, the bribing straine, rightly so called: for, a wicked man (saith *Salomon*) taketh a gift out of the bosome, to wrest or straine the wayes of Judgement. Many a heavey Curse hath God layd upon this sinne: *Woe be unto them* (saith the Prophet *Esay*) *that joyne house to house, and field to field, till there be no place, Es. 5. 8.* not speaking against honest purchasing, but wicked compassing, till there be no place, no place for a neighbour to live by them. Saint *Ambrose* complained in his time of such greedie encroachments: Rich men cannot dwell alone

upon earth, sayes hee ; beasts heid together, birds flock together, fishes swim in shoales together, *nec damnum ducunt sed commercium vivendi*, They finde a kinde of commerce, no dammage in it ; *Solus tu homo conforiem excludis, includis feras, struis habitacula bestiarum, destruis hominem*, Man alonie shuts out the companion of his life, and emparketh beasts.

When *Alexander* sent *Phocion* an hundred talents, he asked why amongst so many Athenians the King sent gifts unto him : because (saith the Messenger) he heares that thou onely art a just man ; then *Phocion* ; *Quin igitur posthac me bonum esse permittat*, Let him suffer mee to be so still, for this is the way to make me stark naught.

What is the glory of a Citie : not sumptuous buildings and stately pallaces, but where the three faire daughters of *Themis* doe flourish, *Eunomia, Dice, Eirene*, Equity, Justice, and Peace. Or as *Persa* the Captive virgin said of *Athens*, being asked, if it were not a goodly strong fenced Citie, answered, *Si incole bene sint morati, pulchre munitam arbitror ; perfidia & peculatus ex urbe & avaritia si exulant* ; if perfidiousnesse, and perjurie, and falshood, if ambition, and pilling, and polling were banished, it were then a goodly Citie indeed.

When at a Diet in *Wormes* in *Maximilians* time, the Princes there met, and upon occasion set forth the excellencie of their severall Dominions ; The Duke of *Saxonie* glorying in his Minerall veines, The *Bavarian* in his beautifull Cities, The Count *Palatine* in his fertile soyle : Onely *Eberhard* Duke of *Wittenburgh* said nothing but this, I can boast of nothing in that kinde, but this I am proud of, I can lay downe my head and sleepe securely in the bosome of any of my Subjects ; an unvaluable

valuable prerogative of a Prince, and no where to be found but where the Magistrate and the people hate Covetousnesse. For as Feare dares not draw the Sword, so Covetousnesse will not.

The third impediment is Hatred; and that must not. For the wrath of man doth not accomplish the righteousness of God, James 1.20. For although it be said at the end of this verse, that the Magistrate is *indignus ut irascatur*; must take vengeance in wrath, or is a Revenger to execute wrath, that is, punishment upon him that doth evil; yet he must not draw the sword in anger against the Person, but against the sinne. There is a time when a man may be angry; Moses was angry against the Israelites idolatry, Exod. 32.19. and did not offend; Jonas was angry at Gods mercy in sparing the Ninivites, and he was reprov'd; *Doeſt thou well to be angry*, saith God, Jon. 4. 4. Christ was rail'd at, mock'd, and crucified; yet was not angry, but prayed for his enemies, *Father forgive them, for they know not what they doe*. But when hee saw his Fathers House abus'd, then he was angry, and whipt them out of the Temple; hee had anger certainly, though not as a passion of revenge, yet of detestation; it was zealous anger, not vicious anger. Unbridled anger is a temporary frenzie; for there's a two-fold madnesse; one of the head which makes men runne out of their wits; another of the heart which turns them out of their patience, and that's anger. This if it be of long continuance, growes to be hatred, and he that hates his brother, is a man-slayer, 1 Joh. 3. 15. Not so much because he hurts his brother, whom he hates; but because he slayeth his own soule; yea, and his brothers too, if he could; *Ille vivit*, saith S. Augustine, & *samen tu occidisti*; hee liveth, yet thou hast kill'd him

as much as in thee lyeth.

Now, if a Magistrate be drawne into hatred of any mans person, hee may be a double Homicide; for besides the mischief he doth to himselfe, hee may be the death of another. When *Josua* proceeded against *Achan*, he did it mildly; *My sonne, confesse thy fault and give glory to God, Ios. 7. 19.* A Magistrate should have least interest in himselfe. *Aristides* sitting in judgement upon two men that were adversaries, One of them thinking to make his cause the better by accusing his enemy, said, O *Aristides*, this man hath done thee great wrong. My friend, quoth *Aristides*, Tell mee what wrong hee hath done thee: for I sit here to doe thee justice, and not my selfe. This sword therefore must not be drawne against the person of the offender, but against the offence of the person; in detestation of the fault, not of the man; for it must not be drawne in hatred.

The fourth impediment, is Partialitie or favour. *Jehosaphat* having set Judges in the Land, gave them this Charge; *Take heed what yee doe, for you judge not for man, but for the Lord, 2 Chron. 19.* That word excludes all corruption: for if he be pusillanimous, he will judge for man; that makes him feare his enemies; if partiall, to favour his friends; if covetous, to love himselfe too much; if he be malicious, he will hate others: And then Truth must needs have a cold Suit, when Malice is chiefe Juror, and Partialitie the Judge. I know Pitie is the best prayse of humanitie, and fruit of Christian love; but in Judgement, it may have no place: he must heare the small as well as the great, the rich and the wretch both alike. *Alexander* when he sate in judgement, would with one care open heare the Plaintiffe, and keepe

keepe the other for the Defendant: it was justly done; for, *Qui statuit aliquid parte inaudita altera, equum licet staverit, haud equum fuit*, said the Tragedian. Hee that determineth upon hearing of but one party, though his judgement be true, yet he is no right Judge. For favour being the false advocate of the gracious, is injurious to truth; and it is required, that Judges should be *men of truth*, *Exod. 18*. Now, there is *veritas vita*, *veritas justitia*, *veritas doctrina*; Truth of life, when our conversation is framed according to the rule of truth; truth of doctrine, distinguishing truth from error, and right from wrong; truth of justice, in giving every man his owne. A Magistrate therefore must be inflexible, unpartiall, free from passion and affection; with a sword in one hand, and his ballance in the other; *Ponderas hac causas, percutit ille reos*; to ponder mens causes, and punish their offences, without partiality.

Now having removed the impediments, I come to the drawing of the Sword, which is upright Judgement. You will say, perhaps, it hath beene long in drawing: and I answer, The blocks in the way were heavic, and not soone removed; and besides, *Nulla unquam de vita hominis cunctatio longa est*, a man cannot demurre too much upon a mans life: for, if he wrongfully miscarry, and the Sword be drawne unjustly, what amends can be made for his unjust suffering: Upright Judgement therefore, according to Law, is the true drawing of the Sword: whereunto three things are required; first, Wisdome; secondly, Pietie; thirdly, Justice.

Wisdome in discussing causes. This hath ever carried that shew of excellencie, that the very wicked have laboured to put on the vizard of it. Come, sayes Pharaoh,

let us doe wisely; yet his wisdom proved folly, because it was against Gods people: so it is with all the worldly wise, as Saint Paul sayth, *sciuntis idcirco iunguntur, Whilest they seemed to be wise, they became fooles, Rom. 1.* But marke the wisdom of Job, when he was a Magistrate; *When I knew not the cause, I sought it out diligently, Job 29. 16.*

This was Gods owne way, to teach man: for although all things are open and manifest to his eyes, yet marke how, in judgement, he commends deliberation. The finnes of Sodom were exceeding grievous, and their Crie was great; yet, *I will goe downe now* (sayes God) *and see, whether they have done altogether according to that Crie; and if not, that I may know.* Questionlesse, God heard and knew; but, *nonuit audire iudicare*, he would not judge by the eare onely, but by the eye: *Vnus oculus testis plus valet quam auris decem*, One ocular witness is worth ten auricular: therefore he saith, *Descendam & videbo, I will goe downe and see*; to instruct men that are in authoritie. Saith Saint Gregorie, *Magna crimina tarde credenda sunt cum audimur, citius punienda cum cognoscantur*; They must be slow to beleieve but upon strong evidence, and readie to punish upon just prooffe. For the Law presumes every man to be good, till he be apparantly bad; but when facts have made the contrarie evident, then the same Law presumes him to be *semper malus qui semel malus, in eodem genere mali*, to be still naught in that kind wherein he is once tainted.

When Adam had sinned, God proceeded against him judiciously: Hee came to him, not running, but walking; not in heat, but coole of the day: not punishing, but first expostulating in a voice audible and sensible; *Adam, where art thou?* So Solomon, when he heard the

women

women say what they could, and had fought out the cause diligently, then *bring me a sword* (saith he); and all *Israel heard the judgement which the King had judged, and they feared the King*; for they saw that the wisdom of God was in him, to doe justice, 1 Kings 3. 28. Wisdom in the true use of the Sword, makes a just man both feared and lov'd; the good men feare him lovingly, the middle sort love him fearefully: onely the wicked malefactor feares him servilely, *For he beareth not the Sword in vaine.*

But now, what's Wisdom without Godlinesse, but worldly policie? Therefore to upright judgement Piety is required, *The wise man feareth and departeth from evill*, saith Solomon, Pro. 14. 16. Therefore *when the righteous are in authority, the people rejoyce; but when the wicked comes on and rises up, the man is tried, the good hide themselves, and the people sigh*, Pro. 29. 2. O how beautifull a sight it is and glorious to behold great men to be good men, *Cæsars* favourite to be Christs follower! Religion therefore goes beyond Law; for it is but halfe a mans honestie to be no better than the Law makes him, which seeth but the out-side, and censureth onely mens actions: but Religion cleares the conscience of evill affections, it reformes the great ones themselves, making their eyes single, and cares indifferent, and hands cleane, and hearts upright, to doe nothing without the testimony of a good conscience.

And thirdly, to be religious to God-ward, and not just to man, is to be but a vaine-glorious hypocrite: therefore to the drawing of the sword, which is upright judgement, Justice is a maine requisite. And it is thus defined by *Plinianus*, *Justitia est constans & perpetua voluntas jus suum cuiq; tribuendi.* It is i. voluntas, and there-

fore must be intended. 2. *constans*, therefore ought not to be corrupted; That's constant justice, *Que neq; potentia frangi, nec pecunia corrumpi, nec gratia inflecti potest.* Which neither money can wrest, nor power breake, nor favour bend. 3. *perpetua*, That supposeth not one act onely, but an habit; for justice is not to doe *iusta*, which unjust men may doe, *Mic. 6.* but *juste*, and that requireth three things, 1. The minde of justice in the doer. 2. The rule of justice in the thing done. 3. The end of justice in the doing. 4. *Jus suum cuiq; tribuendi.* To give every man his owne. For as every vertue hath his proper object; fortitude hath perils, temperance consists in moderation of pleasures, prudence in politick affaires, discerning good or ill; so Justice hath *suum cuique* for it's object and office. Of all vertues they say Justice minds *alienum bonum*, the good of another, receives no benefit from men, but the praise of a just action, their prayers and praises. And that justly. For if the Magistrate take himselfe from his buisnesse, his friends, and pleasures, to interest himselfe in many thanklesse labours, to compound idle strifes, to watch over our safety, to be disturb'd with out-cries when wee sleepe, is it not just hee should be honoured with an answerable estate of pomp and magnificence to expresse his greatness; and this honour be it what it may be, is not *humanitatis officium*, but *administrationis beneficium*; not at our courtesie, but Gods appointment, *For hee beareth not the sword in vaine.* And thus you see the Sword drawne, which is upright judgement.

3 Just execution, and that strikes the stroke, without which all the rest is but an idle flourish. In execution of Justice, there ought to be a moderation to qualifie the rigour

rigour of it; for extremity to be used alwayes is forbidden by God himfelfe. *Noli esse iustus nimis, Eccl. 7. 18.* Presse not justice too farre, neither urge it extreamely. *Lex enim quia seipsam mollire non potest, a nobis mitiganda est, ut sint qui proficiant. Aug.* The Prophet *Amos* complains of some that turned judgement into gall, and the fruit of righteousness into wormewood, *Amos 6. 12.* There is a Court in *France* called the *Torneilles*, which is the chamber for criminall causes, so called because the Judges of the other six chambers which are for civill causes, sit there by turnes; the reason *Bodin* gives (as a learned Surveyer of *France* saith) that it might not alter the naturall inclination of the Judges, and make them more cruell, by being alwayes exercised in matters of condemnations and executions. It was appointed in the law of God, that *forty stripes* should be given to the offender, and not to exceed, lest thy brother should be despised in thy sight, *Deut. 25. 3.* Therefore the Jewes inflicted upon *Paul* *fourty stripes save one*. Fourty was the law, and if they had given the *summum jus* of the law, they thought they had done injurie; so easie it is by a transposition of one letter to turne *Jus* into *Vis*. There ought to be therefore a wise mixture of justice and mercy; this without that, is foolish pitie; and that without this, is cruelty. The love of mercie doth not take away the exercise, but severity of justice, the acerbity or wormewood of it, when the mighty hunt their brother with a net, *Mich. 7. 2.* or digge pits (which we call plots) for the soules of others, *Jer. 18.* They doe not think the cup of justice bitter enough, unlesse it be mingled with their gall.

The brest of the Judge should be like the Arke of the
D 2 Covenant,

The Sword-bearer

Covenant, wherein three things were put, *Virga, Manna, Tabula*; the Tables of the Law, the Rod of *Aaron*, the Pot of Manna; Instruction; *Uction*, Consolation. Two things (saith *Nazienzen*) are requisite in Correction, *ἀσκησις* and *κατακλιση*, Lenitie and Severitie; but they both transgresse, if not well qualified: if the one be *ἀνυπακοή*, and the other *ἀνελεος*, implacable or indiscreet, they may doe much hurt; that looseth the reins, with too much remissenesse; and this strangeth, with too much straitnesse: There must be *φιλανθρωπία*, as well as *ῥήμη*; humane compassion, as well as severe indignation; and then strike on Gods name.

And now the *Sword* is in your hand, it were good some felt the edge of it. Against whom then would you turne it? There are a sort of Emissaries, the Seminaries of Sedition, that doe so ply our Recusants, imprinting in them a setled detestation of our Church, whom the Pope having fed a few yeares, makes them his instruments to build up his Monarchie: And hither they come, being bound by a blind obedience, to maintaine his pompe with the expence of their dearest lives, and are packt over by that relentlesse Merchant, that trades on no other but the Red Sea of Blood. Should these have the *Sword* turn'd upon them? Some perhaps may thinke so; the *Sword* of Justice, not Violence; and so thinke I: or rather, if it may be, I wish them all sound-hearted in England, or safe harboured in Rome.

Furthermore, if any Rebels or seditious persons disturbe the State, Time, the Mother of Truth, will discover them: The *Sword* is an edged toole; and for me, it is not safe meddling with it: God guide the heart and hand of him that beares it. I will be no

Bickri.

Bickri, to blow the Trumpet. The Church and Common-wealth are like *Hippocrates* Twinnes; they laugh and weepe together, they live and die together: and as the rending of the Veile of the Temple presaged the ruine of the state of the Jewes, which followed shortly after; so Schismes, if not prevented, will overthrow Government, and at last bring in Anarchie and confusion. *I would* (saith the Apostle) *that they were cut off that trouble you, Gal. 5. 12.* I dare not wish so. *Paul* was of an extraordinarie spirit; and the reason why I dare not, is, because when a member is cut off, it is hard setting of it on againe. If it be rotten and incurable, there is need of an *Ense recidendum est*. But, I hope, there is onely a dislocation, a putting out of joynt; and no more is required, but ~~restitution~~ a setting things right: and that will be best done (saith the Apostle) ~~in meeknesse~~ *in the spirit of meeknesse, Gal. 6. 1.* *To* ~~those~~ *that are spirituall,* ~~restitute~~ restore such: And you that are temporall Magistrates, and beare the *Sword*; you especially. For what can we doe without you? What can *Aaron* doe without *Moses*? *Aaron* may talke, but *Moses* with his Rod must worke wonders. Wee are compared to the *Teeth* of the Church, *Cam. 4.* and so are you: but wee are onely *Dentes Articulatorii*, that forme the Voice; but you are *Dentes Molares*, the Grinders: those whom we cannot reforme by Preaching, you must with your Authoritie breake them.

Thus ye have heard what belongeth to a Magistrate; his Honour, and his Charge. His Honour stands in two things; His Ordinance, his Preeminence: His Charge in the use of the *Sword*, whereunto three things are re-

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quited, 1. Good lawes, a *Sword* in the scabbard. 2. Upright judgement according to those lawes, a *Sword* drawne. 3. Just execution, and that strikes the stroke; *For he beareth not the Sword in vaine.*

And now, for a conclusion of all, You whom God hath so highly honoured; when yee see your selves environed with Officers to attend your persons, your seat of Justice like a throne to exalt your Honours, a number of innocent hearers and lookers on to applaud your truth, a companie of guilty offenders holding up their hands at Barre to expect your Sentence: O then remember another day of Doome, another supreme Judge, before whom hearts shall speake, and tongues shall be silent, and a good conscience shall be better than a full purse, At that day, and before that Judge, whose latitude is charity, whose longitude æternity, whose depth inscrutable wisdom, and whose height incomparable glory. To this Lord in the Trinity of of persons, and unity of substance, One God, Father, Sonne, and holy Ghost, be given
all glory, praise and power
for evermore.

AMEN.

FINIS.



Perlegi Concionem hanc, dig-
namq; judico quæ typis man-
detur.

THO: WYKES R. P. Episc.
Lond. Sacellanus domesticus.

